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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,933	12/05/2001	Sherri Cosco Veach	SV-1-mv	9836

7590 09/15/2003
Michael I. Kroll
171 Stillwell Lane
Syosset, NY 11791

EXAMINER

SWARTHOUT, BRENT

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 09/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,933

Applicant(s)

VEACH, SHERRI COSEO

Examiner

Brent A Swarthout

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

a. Claims 1-3, 7-8 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Tim Kao.

Tim Kao discloses a vehicle elongated front brake indicating light 10 visible from the front or side of a vehicle, comprising housing 20 which can be mounted on the front bumper by bolts 511 between the headlights, light 10 comprising plural light emitters (Fig. 5).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

b. Claims 4-5,9-13, 15-29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tim Kao in view of Sarokin.

Tim Kao discloses a vehicle front brake indication system as set forth above, except for use of front brake indicators at the turn signals near the headlights, use of hook fasteners, or use of a triangle light arrangement.

Sarokin teaches desirability of mounting front brake indicator lights at the turn signals, which are near the headlights.

It would have been obvious to one of ordinary skill in the art to use front brake light indicators at the turn signals as suggested by Sarokin in conjunction with a system as disclosed by Tim Kao having an indicator at the middle bumper section, in order to provide better indication of braking to those in front of or to the side of a vehicle.

Choosing to use well known hook fasteners would have been obvious, since such are well known in the art for attaching lights to vehicle structural elements.

Since the two wide mounted lights of Sarokin would be used with the central mounted light as taught by Tim Kao, the resulting indication would have been in a triangular arrangement.

Regarding claim 25, choosing to mount lights in the bumper as opposed to on the bumper would have been obvious, since Tim Kao already teaches mounting lights in the bumper (Fig. 1), the choice being merely an aesthetic matter of design choice.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tim Kao.

It would have been obvious to integrate the light in the bumper as opposed to on the bumper, for the same reasons as presented in the previous paragraph.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tim Kao in view of Sarokin and Jandron.

Tim Kao and Sarokin disclose a vehicle front brake indication system as set forth above, except for having front brake indicators to the outside of the front headlights.

Jandron teaches desirability of using front brake indicators 32 to the outside of headlights in order to allow observers at the side of the vehicle to be able to see the indicators more easily (Fig. 1).

It would have been obvious to use side mounted indicators as taught by Jandron in conjunction with a front brake warning system as disclosed by the combined teachings of Tim Kao and Sarokin, in order to allow observers to detect the brake light indications more easily from the side of the vehicle.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- c. Claims 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton.

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Walton discloses a vehicle front brake warning indication device comprising inherent light source, enclosure 78, inherent supplemental wiring, and optical fibers 188 to route light from source to display (Fig. 12).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 703-305-4383. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Brent Swarthout
Brent A Swarthout
Examiner
Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**